

**MINUTES**  
**Herkimer County Legislature**  
**Third Quarter – Third Day**  
**Wednesday, August 11, 2010**  
**7:30 p.m.**

The Public Hearing on HCCC Budget was called to order at 7:04 p.m. by Peter F. Manno, Chairman of the Education Committee. The Clerk read the notice of the meeting. Mr. Manno read a statement from Dr. Ann Murray, President of Herkimer County Community College expressing appreciation for the Legislature's support of the college budget (statement will be made a part of the official minutes). Mr. Manno then asked if there was anyone wishing to speak on the college budget. There were no requests to speak and the hearing was declared closed at 7:06 p.m.

This Session of the Herkimer County Legislature was called to order by Chairman Raymond Smith at 7:30 p.m.

Chairman Smith called on Assistant County Attorney James J. Franchi, to lead the Legislature in the Pledge of Allegiance.

Roll Call: Quorum present, the following answering the roll:

Present: Piseck, Rose, Keblish, Maneen, Stone, Hendrix, Hyde, Brezinski, Manno, Smith, Bono, Ackerman, Peplinski, Korce, Russell, Shaw, Weakley (17).

Absent: None.

Pursuant to Rule 8 of the Rules of the County Legislature, Chairman Smith asked if there were any objections or corrections to the minutes of July 21, 2010.

Pursuant to Rule 11, Chairman Smith opened the floor for public comment. The following individuals spoke at the public comment: Leon Getman, Helen Rose, Gary Hartman.

Chairman Smith stated that the communications received by the Legislature and the committees to which they were referred were listed on the agenda and asked if any member of the Legislature requested mention of any particular communication. Mrs. Rose requested Communication No. 280 be read. Mr. Hendrix referred to Communication No. 294 and expressed thanks for the expression of sympathy.

No. 272 – A communication as received from the County Clerk requesting change to Laundry List. Referred to the Committee on Ways and Means.

No. 273 – A communication was received from the Herkimer County Soil and Water Conservation District submitting minutes of July 13, 2010 meeting. Ordered filed.

No. 274 – A communication was received from the Oneida-Herkimer Solid Waste Authority advising of New York State Draft Solid Waste Management Plan. Referred to the Committee on County Planning and Development.

No. 275 – A communication was received from the Oneida-Herkimer Solid Waste Authority submitting response to NYS Draft Solid Waste Management plan. Referred to the Committee on County Planning and Development.

No. 276 – A communication was received from the Vice President for Administration and Finance at HCCC submitting the Operating Budget for 2010-2011 and requesting approval.

No. 277 – A communication was received from the County Highway Superintendent requesting approval of road project for Rose Valley Road. Referred to the Committee on Highways.

No. 278 – A communication was received from the New York State Office of Real Property Tax Services advising of 2010 equalization rates. Ordered filed.

No. 279 – A communication was received from the County Highway Superintendent requesting approval of the State Snow and Ice Agreement extension. Referred to the Committee on Highways.

No. 280 – A communication was received from the Director of Probation requesting a staffing change. Referred to the Committee on Public Safety and Emergency Management and the Committee on Ways and Means.

No. 281 – A communication was received from the New York State Dept. of Health advising of Medical Local Share Cap. Ordered filed.

No. 282 – A communication was received from the Oneida-Herkimer Solid Waste Authority requesting action on State Draft Solid Waste Management Plan. Referred to the Committee on Administration/Veterans' Affairs.

No. 283 – A communication was received from the Director of Community Services submitting the July activities update. Ordered filed.

No. 284 - A communication was received from the Sheriff submitting the monthly report for June, 2010. Referred to the Committee on Public Safety and Emergency Management.

No. 285 – A communication was received from the New York State Dept. of Transportation advising of payment schedules. Ordered filed.

No. 286 – A communication was received from the Capital District Off-Track Betting Corp. submitting financial report dated May 31, 2010.

No. 287 – A communication was received from NYMIR submitting Annual Report for 2009. Ordered filed.

No. 288 – A communication was received from the NYS Commissioner of Corrections submitting variance extension of 90 days. Referred to the Committee on Public Safety/Emergency Management.

No. 289 – A communication was received from the Plan Administrator of the Self Insured Workers' Compensation Plan submitting the 2011 Annual Estimate and Apportionment. Referred to the Committee on Ways and Means.

No. 290 – A communication was received from the County Attorney advising of the receipt of a Notice of Claim. Referred to the Committee on Ways and Means.

No. 291 – A communication was received from the Director of Public Health submitting request for contract renewal in connection with Healthy Families Grant. Referred to the Committee on Human Resources.

No. 292 – A communication was received from the Director of Public Health submitting request for e-signature in connection with Healthy Families Grant. Referred to the Committee on Human Resources.

No. 293 – A communication was received from the Director of Public Health submitting request for budget amendment in connection with Healthy Families Grant. Referred to the Committee on Human Resources and Ways and Means.

No. 294 – A communication was received from the Family of Donna Okusko with thanks for the recent expression of sympathy. Ordered filed.

No. 295 – A communication was received from the STOP-DWI Coordinator/Secretary of the Ignition Interlock Committee requesting appointments of additional members. Referred to the Committee on Public Safety/Emergency Management.

No. 296 – A communication was received from the STOP-DWI Coordinator/Secretary of the Ignition Interlock Committee requesting adoption of the Ignition Interlock Program Plan. Referred to the Committee on Public Safety/Emergency Management.

No. 297 – A communication was received from the Budget Officer requesting authorization to auction surplus county equipment. Referred to the Committee on Ways and Means.

No. 298 – A communication was received from the Budget Officer requesting a budget amendment in connection with Healthy Families Grant. Referred to the Committee on Ways and Means.

No. 299 – A communication was received from ProAct, Inc. submitting drug discount card report for July 2010. Ordered filed.

No. 300 – A communication was received from the Director of Public Health requesting contract for consultation services. Referred to the Committees on Human Resources and Ways and Means.

No. 301 – A communication was received from the Budget Officer submitting requests for permission for advertisement of bids for scanner for Real Property Tax Service Agency. Referred to the Committee on Ways and Means.

No. 302 – A communication was received from Reality Check requesting support of initiatives to take action against tobacco industries. Ordered filed.

No. 303 – A communication was received from the Office of Community Renewal advising that Remington Arms company is eligible for consideration under the New York State Economic Development Program. Referred to the Committee on County Planning and Development.

No. 304 – A communication was received from the Village of Herkimer rejecting proposal offer from the County dated 7/7/10. Referred to the Committee on Public Safety and Emergency Management.

No. 305 – A communication was received from the Executive Director of the Herkimer County IDA requesting public hearing in connection with Small Cities Grant Application for Remington Arms Company, Inc. Referred to the Committee on County Planning and Development.

On motion of Mr. Manno, seconded by Mr. Stone and Mr. Keblish, Report and Resolution N. 213 of the Committees on Ways and Means and Education relative to adoption of the Herkimer County Community College Budget was handed up; debate was held; was voted on and adopted by roll call vote:

For: Piseck, Rose, Keblish, Maneen, Stone, Hendrix, Hyde, Manno, Smith, Bono, Ackerman, Peplinski, Shaw, Weakley (14).

Against: Brezinski, Korce, Russell (3).

Absent: None.

No. 213

**REPORT AND RESOLUTION OF THE COMMITTEES ON WAYS AND MEANS AND EDUCATION RELATIVE TO THE ADOPTION OF THE HERKIMER COUNTY COMMUNITY COLLEGE BUDGET**

The Herkimer County Legislature, having conducted a Public Hearing on the tentative budget of the Herkimer County Community College on August 11, 2010, and after hearing all parties concerning the same, does hereby

RESOLVE, that the tentative budget of the Herkimer County Community College, for the year 2010-2011, in the total amount of \$23,306,955, of which the contribution of the County of Herkimer is \$1,630,612, be adopted; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, President and Vice President for Administration and Finance of Herkimer County Community College.

Dated: August 11, 2010.

PETER F. MANNO  
JEFFREY M. STONE  
LEONARD R. HENDRIX  
FREDERICK J. SHAW, JR.  
STEPHEN N. KEBLISH, JR.  
BERNARD PEPLINSKI, SR.  
**Committee on Education**

PATRICK E. RUSSELL  
DENNIS KORCE  
VINCENT J. BONO  
BRUCE WEAKLEY  
JOHN J. PISECK, JR.  
BERNARD PEPLINSKI, SR.  
**Committee on Ways and Means**

On motion of Mr. Piseck, seconded by Mr. Bono, Mr. Shaw and Mr. Peplinski, Report and Resolution No. 214 of the Committee on County Planning and Development authorizing public hearing in connection with an application for economic development assistance to the Office of Community Renewal was handed up; debate was held; was voted on and adopted by voice vote:

All ayes: (17).

Against: None.

Absent: None.

No. 214

**REPORT AND RESOLUTION OF THE COMMITTEE ON COUNTY PLANNING AND DEVELOPMENT AUTHORIZING PUBLIC HEARING IN CONNECTION WITH AN**

**APPLICATION FOR ECONOMIC DEVELOPMENT ASSISTANCE TO THE OFFICE OF COMMUNITY RENEWAL**

WHEREAS, by letter dated August 10, 2010, from Mark D. Feane, Executive Director of the Herkimer County Industrial Development Agency, this Legislature is advised of the proposed submission of a Small Cities CDBG application in the amount of \$750,000 on behalf of Remington Arms Company, Inc.

WHEREAS, these Small Cities grant funds will be used by Remington Arms Company, Inc. for the purchase of Machinery and Equipment in the amount of \$734,000, \$8,000 for administration and \$8,000 for program delivery, all of which is part of a \$5,900,000 expansion project which will allow the company to create 100 new jobs at the Ilion, New York facility; and

WHEREAS, it is necessary that a public hearing be held to hear public comment in regard to such application; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is authorized to execute all documents and certifications required as part of the submission of the application; and, be it further

RESOLVED, a Public Hearing be held by the Committee on County Planning and Development on the 25<sup>th</sup> day of August, 2010 at 10:00 a.m. in the Legislature Chambers of the County Office Building in the Village of Herkimer, New York, for the purpose of hearing public comment upon the aforesaid application for economic development assistance to the Office of Community Renewal; and, be it further

RESOLVED, that a certified copy of this Resolution be forwarded to the Executive Director of the Herkimer County Industrial Development Agency.

Dated: August 11, 2010.

JOHN J. PISECK  
VINCENT J. BONO  
PATRICK E. RUSSELL  
BERNARD E. PEPLINSKI  
FREDERICK J. SHAW, JR.  
KURT J. ACKERMAN  
**Committee on County Planning and  
Development**

On motion of Mr. Russell, seconded by Mr. Bono, Report and Resolution No. 215 of the Committee on Ways and Means approving 2011 Annual Estimate and Apportionment for the Herkimer County Worker's Compensation Self-Insured Plan was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (17).

Against: None.

Absent: None.

No. 215

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
APPROVING 2011 ANNUAL ESTIMATE AND APPORTIONMENT FOR THE  
HERKIMER COUNTY WORKER'S COMPENSATION SELF-INSURED PLAN**

WHEREAS, your Committee has received from Steven R. Billings, Personnel Officer, the 2011 Annual Estimate and Apportionment for the Herkimer County Worker's Compensation Self-Insured Plan for the purposes of tail claims run-off; and

WHEREAS, your Committee on Ways and Means has considered said Estimate and Apportionment and has approved the same; now, therefore, be it

RESOLVED, that this Legislature hereby approves the Annual Estimate and Apportionment of the Herkimer County Worker's Compensation Self-Insured Plan for the purposes of tail claims run-off for the year 2011; and, be it further

RESOLVED, that a certified copy of this Resolution be forwarded to the Personnel Officer.

Dated: August 11, 2010.

PATRICK E. RUSSELL  
DENNIS KORCE  
VINCENT J. BONO  
BRUCE WEAKLEY  
JOHN J. PISECK, JR.  
BERNARD PEPLINSKI, SR.  
**Committee on Ways and Means**

On motion of Mr. Hyde, seconded by Mr. Hendrix and Mr. Stone, Report and Resolution No. 216 of the Committee on Public Safety/Emergency Management approving monthly report of Sheriff was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (17).

Against: None.

Absent: None.

No. 216

**REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY/EMERGENCY MANAGEMENT APPROVING MONTHLY REPORT OF SHERIFF**

WHEREAS, your Public Safety & Emergency Management Committee, to which was referred the report of the Sheriff for the month of June, 2010 respectfully reports that we have examined said report, recommend that it be approved and offer the following Resolution:

RESOLVED, that the report of the Herkimer County Sheriff for the month of June, 2010, which report reflects an average daily population of 50.93 inmates, with an average of 20.90 inmates being boarded out in June, be approved and filed.

Dated: August 11, 2010.

LEONARD R. HENDRIX  
VINCENT J. BONO  
JEFFREY M. STONE  
DENNIS KORCE  
ROBERT N. HYDE  
BRUCE WEAKLEY  
**Committee on Public Safety and  
Emergency Management**

On motion of Mr. Weakley, seconded by Mr. Peplinski and Mr. Stone, Report and Resolution No. 217 of the Committee on Highways extending agreement for snow and ice control with State of New York was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (17).

Against: None.

Absent: None.

No. 217

**REPORT AND RESOLUTION OF THE COMMITTEES ON HIGHWAYS EXTENDING AGREEMENT FOR SNOW AND ICE CONTROL WITH STATE OF NEW YORK**

WHEREAS, the County of Herkimer, pursuant to Section 12 of the Highway Law relating to plowing snow and to control of snow and ice on state highways in the towns and incorporated villages of the County, has heretofore entered into an agreement dated July 1, 1974, with the State of New York for such purposes; and



WHEREAS, Sections 7 and 10 of said agreement provide a method of modification of the map of affected state highways and of annually updating the estimated expenditures; and

WHEREAS, by communication dated July 23, 2010, the County Superintendent of Highways has submitted contracts in form prepared by the State of New York to extend said agreement for an additional one year period, at an estimated payment from the State of \$1,336,660.80 for 2011-2012; now, therefore, be it

RESOLVED, that the Chairman of the Herkimer County Legislature is hereby authorized to execute such extension of said Snow and Ice Control Agreement for the year July 1, 2011 through June 30, 2012 at an estimated expenditure of \$1,336,660.80 for 2011-2012; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Superintendent of Highways and New York State Department of Transportation.

Dated: August 11, 2010.

DENNIS KORCE  
VINCENT J. BONO  
PATRICK E. RUSSELL  
BRUCE WEAKLEY  
JEFFREY M. STONE  
BERNARD PEPLINSKI, SR.  
**Committee on Highways**

On motion of Mr. Weakley, seconded by Mr. Peplinski and Mr. Korce, Report and Resolution No. 218 of the Committee on Highways approving Project under Article 6, Section 116 of the Highway Law was handed up; debate was held, was voted on and adopted by voice vote:

Ayes: (16).                      Against: None.

Abstain: Rose (1).              Absent: None.

No. 218

**REPORT AND RESOLUTION OF THE COMMITTEE ON HIGHWAYS APPROVING PROJECTS UNDER ARTICLE 6, SECTION 116 OF THE HIGHWAY LAW**

Your Committee on Highways, to which was referred the letter of Jay W. Ewanyk, County Superintendent of Highways, dated July 27, 2010, submitting three copies each of a statement under Article 6 of the Highway Law designating work to be done with County Road Fund monies during the year 2010 covering one project involved in the Capital Construction Program, respectfully reports that we have examined said statement contained in said

communication from and signed by the County Superintendent of Highways, recommend its adoption and offer the following Resolution:

RESOLVED, that the statement under Article 6 of the Highway Law which designates work to be done with County Road Fund monies be, and hereby is, approved by the County Legislature of the County of Herkimer for the following project involved in the Capital Construction Program, to be funded as listed:

<b>project no.</b>	<b>road/location</b>	<b>type of project</b>	<b>estimated contracted cost</b>
324	Rose Valley Road, CR 224 Towns of Newport/Russia	Furnish and install 3- inches of hot mix asphalt modified binder pavement with gravel shoulders, 3.58 miles	\$500,000.00

Funding source for this project will be CHIPS.

And, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the County Treasurer and Herkimer County Superintendent of Highways.

Dated: August 11, 2010.

DENNIS KORCE  
VINCENT J. BONO  
PATRICK E. RUSSELL  
BRUCE WEAKLEY  
JEFFREY M. STONE  
BERNARD PEPLINSKI, SR.  
**Committee on Highways**

On motion of Mr. Hendrix, seconded by Mr. Stone, Report and Resolution No. 219 of the Committee on Public Safety/Emergency Management Committee and the Committee on Ways and Means for staffing change in Probation Department was handed up; debate was held; was voted on and adopted by voice vote:

Ayes: (16).                      Against: Rose (1).

Absent: None.

No. 219

**REPORT AND RESOLUTION OF THE COMMITTEES ON WAYS AND MEANS AND PUBLIC SAFETY/EMERGENCY MANAGEMENT FOR STAFFING CHANGE IN PROBATION DEPARTMENT**

WHEREAS, by letter dated July 12, 2010, Josephine Sohn, Director of Probation, has requested a staffing change in the Probation Department; and

WHEREAS, your Committees have taken this matter under advisement and recommend said change; now, therefore, be it

RESOLVED, that the 2010 Herkimer County Salary Schedule III is hereby amended to delete one position of Supervisor in Account A3140, Probation Department, and establish one additional position of Senior Probation Officer at the base annual salary set forth for said position; and, be it further

RESOLVED, that said change shall take this date; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Personnel Officer and Director of Probation.

Dated: August 11, 2010.

LEONARD R. HENDRIX  
VINCENT J. BONO  
JEFFREY M. STONE  
DENNIS KORCE  
ROBERT N. HYDE  
BRUCE WEAKLEY  
**Committee on Public Safety and  
Emergency Management**

PATRICK E. RUSSELL  
DENNIS KORCE  
VINCENT J. BONO  
BRUCE WEAKLEY  
JOHN J. PISECK, JR.  
BERNARD PEPLINSKI, SR.  
**Committee on Ways and Means**

On motion of Mr. Russell, seconded by Mr. Ackerman, Report and Resolution No. 220 of the Committee on Ways and Means amending Resolution No. 348 of 2009 authorizing payment

of dues during the year 2010 for the County Clerk's Department was handed up; debate was held; was voted on and adopted by voice vote:

All ayes: (17).

Against: None.

Absent: None.

No. 220

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
AMENDING RESOLUTION NO. 348 OF 2009 AUTHORIZING PAYMENT OF DUES  
DURING THE YEAR 2010 DUE FOR COUNTY CLERK'S DEPARTMENT**

WHEREAS, on December 16, 2009 this Legislature adopted Resolution No. 348 authorizing attendance at conferences for municipal officers and employees and payment of dues for municipal officers and employees during the year 2010: and

WHEREAS, by letter dated July 15, 2010, Sylvia Rowan, County Clerk, has requested amendment of said resolution to include a membership fee to the National Safety Council and Safety Council of Central and Western New York, which annual membership is mandatory for the County Clerk's Office to continue to teach the Defensive Driving Course; now, therefore, be it

RESOLVED, that Resolution No. 348 be amended as follows:

That dues are hereby authorized to be paid for the county officers and employees in those organizations specifically set for the below, which payments shall be audited, allowed and paid the same as other claims against the County of Herkimer are paid.

County Clerk

National Safety Council and  
Safety Council of Central &  
Western New York

\$270.00

and, be it further

RESOLVED, that in all other respects Resolution No. 348 of 2009, as amended, shall remain in full force and effect; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer and County Clerk.

Dated: August 11, 2010

PATRICK E. RUSSELL  
DENNIS KORCE  
VINCENT J. BONO  
BRUCE WEAKLEY

JOHN J. PISECK, JR.  
BERNARD PEPLINSKI, SR.  
**Committee on Ways and Means**

On motion of Mr. Russell, seconded by Mr. Peplinski, Report and Resolution No. 221 of the Committee on Human Resources and the Committee on Ways and Means accepting grant and amending budget for Healthy Families Program was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (17).                      Against: None.

Absent: None.

No. 221

**REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND THE COMMITTEE ON WAYS AND MEANS ACCEPTING GRANT AND AMENDING BUDGET FOR HEALTHY FAMILIES PROGRAM**

WHEREAS, by letter dated July 21, 2010, Dr. Gregory O’Keefe, MD, Director of Public Health, has requested renewal of the grant for the Healthy Families New York Home Visiting Program, which will be used to improve the health and well being of children and families in Herkimer County, and further requests authorization for the Chairman of the Legislature to sign said grant by electronic signature; and

WHEREAS, by letter dated August, from Bernard E. Decker, this Legislature is advised that it will be necessary to amend the 2010 Herkimer County Budget in connection with the receipt of said grant in the amount of \$284,434.00; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to complete by electronic signature a contract with the New York State Department of Health to receive the fourth Healthy Families Grant (PH13-04) for Herkimer County in the amount of \$284,434.00 for the period September 1, 2010 to August 31, 2011; and, be it further

RESOLVED, that the Herkimer County Budget is hereby amended as follows:

<u>Revenue</u>	<u>From:</u>	<u>To:</u>
A4189H.4401, Federal Aid, Healthy Families 09-10	\$-0-	\$284,434.00
<u>Appropriation</u>		
A4189H.10000-001, Healthy Families – Salaries	\$35,454.12	\$ 82,354.12
A4189H.41000, Healthy Families – Supplies & Materials	\$12,241.00	\$ 33,495.00
A4189H.44000 Healthy Families	\$129,470.86	\$309,922.86

– Contracted Services		
A4189H.46000 Healthy Families	\$ 325.00	\$ 14,000.00
– Miscellaneous		
A4189H.46100 Healthy Families	\$ 960.00	\$ 2,660.00
– Mileage & Travel		
A4189H.46300 Healthy Families	\$ 1,715.00	\$ 3,439.00
– Postage & Freight		
A4189H.81000 Healthy Families	\$ 3,936.77	\$ 8,842.77
– Retirement		
A4189H.83000 Healthy Families	\$ 2,227.11	\$ 5,135.11
– Social Security		
A4189H.83500 Healthy Families	\$ 520.00	\$ 1,200.53
– Medicare		
A4189H.84000 Healthy Families	\$ 1,330.54	\$ 3,065.54
-Worker’s Comp.		
4189H.85000 Healthy Families	\$ 368.24	\$ 837.24
– Unemployment		
A4189H.86000 Healthy Families	\$ 4,888.49	\$ 12,919.49
– Health Insurance		

and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer and Director of Public Health.

Dated: August 11, 2011

PATRICK E. RUSSELL  
DENNIS KORCE  
VINCENT J. BONO  
BRUCE WEAKLEY  
JOHN J. PISECK, JR.  
BERNARD PEPLINSKI, SR.  
**Committee on Ways and Means**

VINCENT J. BONO  
JOHN J. PISECK, JR.  
JEAN E. MANEEN  
PETER F. MANNO  
LEONARD R. HENDRIX  
PATRICK E. RUSSELL  
**Committee on Human Resources**

On motion of Mr. Bono, seconded by Mrs. Maneen, Report and Resolution No. 222 of the Committees on Human Resources and Ways and Means authorizing contracts with Family Services of the Mohawk Valley and the Family Nurturing Center in connection with implementation of Healthy Families Program was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (17).

Against: None.

Absent: None.

**REPORT AND RESOLUTION OF THE COMMITTEES ON HUMAN RESOURCES  
AND WAYS AND MEANS AUTHORIZING CONTRACTS WITH FAMILY SERVICES  
OF THE MOHAWK VALLEY AND THE FAMILY NURTURING CENTER IN  
CONNECTION WITH IMPLEMENTATION OF HEALTHY FAMILIES PROGRAM**

WHEREAS, by Resolution No. 221 adopted this date, this Legislature approved a renewal of a contract with the New York State Department of Health to receive a Healthy Families New York Home Visiting Program grant in the amount of \$284,434.00 to improve the health and well being of children and families in Herkimer County; and

WHEREAS, by letter dated July 21, 2010 from Gregory O’Keefe, MD, Director of Public Health, this Legislature is advised of a request for approval to enter into contracts to implement said Healthy Families New York Home Visiting Program, with Family Services of the Mohawk Valley in the amount of \$165,910.00, and the Family Nurturing Center New York, in the amount of \$14,542.00, said contracts to be for the period from September 1, 2010 to August 31, 2011; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to enter into a contract with Family Services of the Mohawk Valley, Inc. 401 Columbia Street, Utica, New York, in the amount of \$165,910.00, and to authorize a contract with the Family Nurturing Center New York, Inc., 209 Elizabeth Street, Utica, New York, in the amount of \$14,542.00, in connection with the implementation of the Healthy Families New York Home Visiting Program administered by the Herkimer County Public Health Nursing Service, said contracts to be for the period September 1, 2010 to August 31, 2011, with the terms subject to the approval of the County Attorney; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Director of Public Health, Family Services of the Mohawk Valley and the Family Nurturing Center of Central New York, Inc.

Dated: August 11, 2010.

VINCENT J. BONO  
JOHN J. PISECK, JR.  
JEAN E. MANEEN  
PETER F. MANNO  
LEONARD R. HENDRIX  
PATRICK E. RUSSELL  
**Committee on Human Resources**

PATRICK E. RUSSELL  
DENNIS KORCE  
VINCENT J. BONO  
BRUCE WEAKLEY  
JOHN J. PISECK, JR.

BERNARD PEPLINSKI, SR.  
**Committee on Ways and Means**

On motion of Mr. Hendrix, seconded by Mr. Hyde, Report and Resolution No. 223 of the Committee on Public Safety and Emergency Management amending Resolution No. 209 of 2010 to add additional representatives to the Herkimer County Ignition Interlock Program committee was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (17).                      Against: None.

Absent: None.

No. 223

**REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY AND EMERGENCY MANAGEMENT AMENDING RESOLUTION NO. 209 OF 2010 TO ADD ADDITIONAL REPRESENTATIVES TO THE HERKIMER COUNTY IGNITION INTERLOCK PROGRAM COMMITTEE**

WHEREAS, by Resolution No. 209 adopted on July 21, 2010, this Legislature designated individuals to serve in consultation with the development of the Herkimer County Ignition Interlock Program Plan pursuant to the provisions of Leandra's Law; and

WHEREAS, by letter dated August 4, 2010, Michael Edwards, STOP-DWI Coordinator and Secretary for the Ignition Interlock Committee, has advised that said committee has requested the appointment of two additional individuals to serve in connection with the development of the Herkimer County Ignition Interlock Program Plan; now, therefore, be it

RESOLVED, that the following individuals are hereby designated to serve in consultation with the development of the Herkimer County Ignition Interlock Program Plan:

Garry Murphy, Herkimer County Probation Department  
Thaddeus Luke, Herkimer County Courts

and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Secretary for the Ignition Interlock Committee and the above named designees.

Dated: August 11, 2010.

LEONARD R. HENDRIX  
VINCENT J. BONO  
JEFFREY M. STONE  
DENNIS KORCE  
ROBERT N. HYDE



BRUCE WEAKLEY  
**Committee on Public Safety and  
Emergency Management**

On motion of Mr. Hendrix, seconded by Mr. Stone, Report and Resolution No. 224 of the Committee on Public Safety and Emergency Management approving the Herkimer County Ignition Interlock Program Plan was handed up; debate was held, was voted on and adopted by voice vote:

All ayes: (17).                      Against: None.

Absent: None.

No. 224

**REPORT AND RESOLUTION OF THE COMMITTEE ON PUBLIC SAFETY AND  
EMERGENCY MANAGEMENT APPROVING THE HERKIMER COUNTY IGNITION  
INTERLOCK PROGRAM PLAN**

WHEREAS, the provisions of Leandra's Law, as implemented by the rules and regulations of the New York State Division of Probation and Correctional Services, requires all counties to establish an Ignition Interlock Program Plan; and

WHEREAS, by letter dated August 4, 2010, Michael Edwards, STOP-DWI Coordinator and Secretary for the Ignition Interlock Committee, has advised that said Committee has prepared and submitted the draft Ignition Interlock Program Plan for Herkimer County and requests approval of same; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby adopts the attached Herkimer County Ignition Interlock Program Plan to be effective August 15, 2010; and, be it further

RESOLVED, that the Chairman of the Herkimer County Legislature is hereby authorized to execute such Program Plan on behalf of the County of Herkimer; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Director of Probation, STOP-DWI Coordinator and the New York State Division of Probation and Correctional Services.

Dated: August 11, 2010.

LEONARD R. HENDRIX  
VINCENT J. BONO

JEFFREY M. STONE  
DENNIS KORCE  
ROBERT N. HYDE  
BRUCE WEAKLEY  
**Committee on Public Safety and  
Emergency Management**

On motion of Mr. Hyde, seconded by Mr. Russell, Report and Resolution No. 225 of the Committee on Ways and Means authorizing auctions of surplus county equipment was handed up; debate was held, was voted on and adopted by voice vote:

All ayes: (17).                      Against: None.

Absent: None.

No. 225

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS AND MEANS  
AUTHORIZING AUCTIONS OF SURPLUS COUNTY EQUIPMENT**

WHEREAS, by letter dated August 5, 2010, Bernard E. Decker, Budget Officer and Purchasing Agent, has requested authorization to auction from time to time, surplus county equipment utilizing online auction services, including E-Bay and Public Surplus.com; and

WHEREAS, by said letter the Budget Officer further requests authorization to make all necessary arrangements to carry out such auctions and that the Chairman of the Legislature be authorized to sign any required documents to carry out such auctions, subject to the approval of the County Attorney; now, therefore, be it

RESOLVED, that the Herkimer County Legislature hereby authorizes the Budget officer and Purchasing Agent to auction, from time to time, surplus county equipment utilizing online auction services including E-Bay and Public Surplus.com, and authorizes the Chairman of the Legislature to sign any required documents to carry out such auctions, subject to the approval of the County Attorney; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer and County Attorney.

Dated: August 11, 2010.

PATRICK E. RUSSELL  
DENNIS KORCE  
VINCENT J. BONO  
BRUCE WEAKLEY  
JOHN J. PISECK, JR.  
BERNARD PEPLINSKI, SR.  
**Committee on Ways and Means**

On motion of Mr. Bono, seconded by Mr. Piseck, Report and Resolution No. 226 of the Committees on Human Resources and Ways and Means authorizing contract for consulting services for Public Health Nursing Service was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (17).

Against: None.

Absent: None.

No. 226

**REPORT AND RESOLUTION OF THE COMMITTEE ON HUMAN RESOURCES AND THE COMMITTEE ON WAYS AND MEANS AUTHORIZING CONTRACT FOR CONSULTING SERVICES FOR PUBLIC HEALTH NURSING SERVICE**

WHEREAS, by letter dated August 6, 2010, Dr. Gregory O'Keefe, MD, Director of Public Health, has advised that proposals have been received for the provision of professional consulting services for the Herkimer County Public Health Nursing Service, and requests a contract be entered into with Jack Venesky, CPA, of Cicero, New York, to complete a Special Project entitled SWOT (Strengths, Weakness, Opportunities, and Threats) Analysis, which special project will provide a full operational, revenue and expense review of the County's Certified Home Health Agency (CHHA) and Long Term Home Health Care Program (LTHHCP), as well as recommend possible future strategies to achieve better financial results, at a total contract fee of \$11,000; and

WHEREAS, your Committees have considered such proposal and recommend acceptance thereof; now, therefore, be it

RESOLVED, that the Chairman of this Legislature is hereby authorized to execute a contract with Jack Venesky, CPA, 6114 Route 31, Cicero, NY 13039, for professional services in connection with a special project entitled SWOT (Strengths, Weakness, Opportunities, and Threats) Analysis, which special project will provide a full operational, revenue and expense review of the County's Certified Home Health Agency (CHHA) and Long Term Home Health Care Program (LTHHCP), as well as recommend possible future strategies to achieve better financial results, at a total contract fee of \$11,000, and with said contract to be subject to the approval of the Herkimer County Attorney; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer, Director of Public Health and Jack Venesky, CPA.

Dated: August 11, 2010.

VINCENT J. BONO  
JOHN J. PISECK, JR.

JEAN E. MANEEN  
PETER F. MANNO  
LEONARD R. HENDRIX  
PATRICK E. RUSSELL  
**Committee on Human Resources**

PATRICK E. RUSSELL  
DENNIS KORCE  
VINCENT J. BONO  
BRUCE WEAKLEY  
JOHN J. PISECK, JR.  
BERNARD PEPLINSKI, SR.  
**Committee on Ways and Means**

On motion of Mr. Russell, seconded by Mr. Weakley, Report and Resolution No. 227 of the Committee on Ways and Means authorizing bids for scanner for Real Property Tax Service Agency was handed up; there being no debate, was voted on and adopted by voice vote:

All ayes: (17).                      Against: None.

Absent: None.

No. 227

**REPORT AND RESOLUTION OF THE COMMITTEE ON WAYS & MEANS  
AUTHORIZING BIDS FOR SCANNER FOR REAL PROPERTY TAX SERVICE  
AGENCY**

WHEREAS, this Legislature is informed by communication from Bernard E. Decker, Budget Officer and Purchasing Agent, dated August 6, 2010, requests permission to advertise for bids for a wide format color scanner for the Real Property Tax Service Agency, to be funded through the Real Property Tax Service Office Central Tax Administration Grant; now, therefore, be it

RESOLVED, that the Herkimer County Purchasing Agent be, and he hereby is, authorized and directed to advertise for bids for the provision of a wide format color scanner for the Real Property Tax Service Agency, to be funded through the Real Property Tax Service Office Central Tax Administration Grant, said advertisement to be in the official newspapers of the County, with bids to be received and opened in the Office of the Purchasing Agent, and the results thereof to be reported to this Legislature for approval and award; and, be it further

RESOLVED, that certified copies of this Resolution be forwarded to the Herkimer County Treasurer, Auditor, Budget Officer and Director of the Real Property Tax Service Agency.

Dated: August 10, 2010.

PATRICK E. RUSSELL  
DENNIS KORCE  
VINCENT J. BONO  
BRUCE WEAKLEY  
JOHN J. PISECK, JR.  
BERNARD PEPLINSKI, SR.  
**Committee on Ways and Means**

On motion of Mr. Weakley, seconded by Mrs. Maneen, Mr. Shaw, Mr. Hyde and Mr. Peplinski, Resolution No. 228 of the Committee on Administration/Veterans Affairs and the Committee on County Planning and Development Committee urging the New York State Department of Environmental Conservation to reconsider its draft State Solid Waste Management Plan “Beyond Waste” to ensure planning units and municipalities across the state are not burdened with additional fees, surcharges or unfunded mandates was handed up; debate was held, was voted on and adopted by voice vote:

All ayes: (17).                      Against: None.

Absent: None.

No. 228

**RESOLUTION OF THE COMMITTEE ON ADMINISTRATION/VETERANS AFFAIRS  
AND THE COMMITTEE ON COUNTY PLANNING AND DEVELOPMENT URGING  
THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
TO RECONSIDER ITS DRAFT STATE SOLID WASTE MANAGEMENT PLAN  
“BEYOND WASTE” TO ENSURE PLANNING UNITS AND MUNICIPALITIES  
ACROSS THE STATE ARE NOT BURDENED WITH ADDITIONAL FEES,  
SURCHARGES OR UNFUNDED MANDATES**

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) has developed a new Draft State Solid Waste Management Plan entitled “Beyond Waste”; and

WHEREAS, NYSDEC is accepting comments through August 16, 2010; and

WHEREAS, Herkimer and Oneida Counties as a planning unit for over twenty years has invested over \$100 million dollars in its self-sufficient fully integrated solid waste management system; and

WHEREAS, our solid waste management system has been recognized by NYSDEC as a progressive system which offers economic incentives that encourage waste reduction, recycling, composting and proper disposal of all wastes generated; and

WHEREAS, the Herkimer-Oneida Solid Waste Management Plan shares the same goal of “Beyond Waste” to aggressively divert waste from our landfill; and

WHEREAS, “Beyond Waste” includes a number of proposals that would burden our citizens and businesses with additional surcharges, fees and unfunded mandates; and

WHEREAS, “Beyond Waste” does not include a detailed analysis of the economic impacts of feasibility of the plan; and

WHEREAS, “Beyond Waste” is not economically feasible at this time; now, therefore, be it

RESOLVED, that the Herkimer County Legislature urges the New York State Department of Environmental Conservation to reconsider its Draft State Solid Waste Management Plan “Beyond Waste” to ensure planning units and municipalities across the State are not burdened with additional fees, surcharges or unfunded mandates; and, be it further

RESOLVED, that the Herkimer County Legislature urges the New York State Department of Environmental Conservation to include a detailed analysis of the economic impacts and feasibility of the plan in its final document; and, be it further

RESOLVED, that the certified copies of this Resolution be forwarded to Governor David A. Paterson, State Senator James L. Seward, Assemblyman Marc W. Butler, the New York State Department of Environmental Conservation and the Oneida-Herkimer Solid Waste Authority.

Dated: August 11, 2010.

JEAN E. MANEEN  
BRUCE WEAKLEY  
FREDERICK J. SHAW  
PETER F. MANNO  
STEPHEN N. KEBLISH, JR.  
JOHN L. BREZINSKI  
**Committee on Administration/  
Veterans’ Affairs**

JOHN J. PISECK  
VINCENT J. BONO  
PATRICK E. RUSSELL  
BERNARD PEPLINSKI, SR.  
FREDERICK J. SHAW  
KURT J. ACKERMAN  
**Committee on County Planning  
and Development**

On motion of Mr. Weakley, seconded by Mrs. Maneen and Mr. Shaw, Resolution No. 229 of the Committee on Administration/Veterans’ Affairs urging New York State to significantly cut the unfunded mandates that cause local property tax increases before imposing a cap on local property taxes was handed up; debate was held; was voted on and adopted by voice vote:

All ayes: (17).

Against: None.

Absent: None.

No. 229

RESOLUTION OF THE COMMITTEE ON ADMINISTRATION/VETERANS ‘  
AFFAIRS URGENT NEW YORK STATE TO SIGNIFICANTLY CUT THE UNFUNDED  
MANDATES THAT CAUSE LOCAL PROPERTY TAX INCREASES BEFORE IMPOSING  
A CAP ON LOCAL PROPERTY TAXES

WHEREAS, Governor David Paterson and many state legislators are supportive of a cap on local property tax levies of 4%, or 120% inflation, whichever is less; and

WHEREAS, little or no action has been taken by New York State to decrease or control the costs of unfunded State mandates, which have been driving up county property tax levels for decades; and

WHEREAS, without mandate reform, such a cap would be impossible because State mandates make up as much as 75 to 85 percent of a county budget, and these State costs increase substantially each year, well over the proposed 4% cap. Some examples:

- County payments to the NYS Retirement System are expected to rise 40% in 2011
- The local cost of Medicaid rises 3% each year
- The state continues to shift its costs to counties in the 2009-10 and 2010-11 State budgets
- New York State currently owes Herkimer County over \$7.9 million, overdue for state services rendered by Herkimer County
- During the 2010 legislative session, the State shifted over \$100 million in costs to counties for delivering state services locally in child welfare and youth detention programs, representing yet another unfunded mandate.

WHEREAS, counties are mandated by the State to use local tax dollars to pay for State programs such as Medicaid, early intervention services, pre-school special education services, public assistance, child welfare, youth detention, jails and numerous other programs; and

WHEREAS, the property tax cap proposal does nothing to reduce or eliminate the current mandates; and

WHEREAS, the property tax cap proposal allows local boards to override the cap with a two-thirds majority vote, thereby not only shifting costs to local governments, but also unfairly shifting blame to local leaders for tax increases that are actually caused by the State; and

WHEREAS, the Herkimer County Legislature has, through responsible financial and budgetary actions and policies, stabilized and decreased generic property tax rates

from \$5.17 to \$4.494 per thousand since 2004, despite the recession, and without the “benefit” of a State-imposed property tax cap; now, therefore, be it

RESOLVED, that the Herkimer County Legislature urges the State not to impose a local property tax cap unless it is coupled with significant cuts to the State mandated programs that cause local property tax increases; and, be it further

RESOLVED, that copies of this Resolution be forwarded to Governor David Paterson, State Senator James L. Seward, Assemblyman Marc W. Butler and the New York State Association of Counties.

Dated: August 11, 2010.

JEAN E. MANEEN  
FREDERICK J. SHAW  
BRUCE WEAKLEY  
PETER F. MANNO  
STEPHEN KEBLISH  
JOHN L. BREZINSKI  
Committee on Administration/  
Veterans’ Affairs

On motion of Mrs. Maneen, seconded by Mr. Shaw, Resolution No. 230 of the Committee on Administration/Veterans’ Affairs urging the State of New York to take responsibility for the preschool supportive health services program was handed up; debate was held, was voted on and adopted by voice vote:

All ayes: (17).                      Against: None.

Absent: None.

No. 230

**RESOLUTION OF THE COMMITTEE ON ADMINISTRATION/VETERANS’ AFFAIRS URGING THE STATE OF NEW YORK TO TAKE RESPONSIBILITY FOR THE PRESCHOOL SUPPORTIVE HEALTH SERVICES PROGRAMS**

**WHEREAS**, the New York State Legislature enacted Section 4410 of the State Education Law, in 1989, making school districts responsible for services to preschool children with disabilities (ages 3 – 5 years) because the State was out of compliance with the Federal Individuals with Disabilities Education Act (IDEA); and

**WHEREAS**, under Section 4410 and Section 200 of New York State Education Department (NYSED) Regulations, New York State Municipalities are required to be financially responsible for all charges related to the Preschool Supportive Health Services Programs (PSHSP) for all school districts within the respective counties; and



**WHEREAS**, this was originally developed to become a local municipality financial responsibility and was supposed to be a cost of not more than ten percent (10%) to the County; and

**WHEREAS**, counties are now required to pay forty and one half percent (40.5%) of the entire cost of Preschool Special Education when this effort should be a NYSED expense and responsibility; and

**WHEREAS**, costs for the Program have more than doubled since 1994 and New York State is one of only three states with a county contribution; and

**WHEREAS**, the average county cost to Herkimer County each year for the last 3 to 4 years has been \$ 1.16 for the Pre-K program; and

**WHEREAS**, while the State has responsibility for setting rates for the programs and the County determines rates for related services, neither has corresponding responsibility for decision making regarding services; and

**WHEREAS**, the ability for the County to challenge and/or refuse any services it deems unnecessary is prohibited in the current structure; and

**WHEREAS**, Students are referred to their local education agency through their District's Committee on Preschool Special Education (CPSE) in accordance with State statute and if these students require a special class or receive Special Education Itinerant Teacher Services must be served by programs approved by NYSED; and

**WHEREAS**, Herkimer County provides services to an average of 148 children each year and in this time of severe fiscal crisis Herkimer County does not have the resources to continue to pay 40.5% of the cost of this Program; and be it further

**RESOLVED**, that the Herkimer County Legislature urges the State of New York to transfer responsibility for Preschool Supportive Health Services Programs to New York State Education Department instead of the counties; and be it further

**RESOLVED**, that copies of this Resolution be sent to Governor David A. Paterson, Senate President Malcolm A. Smith, Speaker of the New York State Assembly Sheldon Silver, Senator James L. Seward, Assemblyman Marc W. Butler, the New York State Association of Counties (NYSAC), the New York State Association of County Health Officials (NYSACHO) and Intercounty Legislative Committee of the Adirondacks.

Dated: August 11, 2010.

JEAN E. MANEEN  
FREDERICK J. SHAW  
BRUCE WEAKLEY  
PETER F. MANNO  
STEPHEN KEBLISH

JOHN L. BREZINSKI  
Committee on Administration Veterans' Affairs

On motion of Mr. Shaw, seconded by Mr. Weakley and Mr. Peplinski, Resolution No. 231 of the committee on Administration/Veterans' Affairs supporting Village of Middleville's request to federal and state officials for FEMA and SEMO relief was handed up; debate was held, was voted on and adopted by voice vote:

All ayes: (17).                      Against: None.

Absent: None.

No. 231

**RESOLUTION OF THE COMMITTEE ON ADMINISTRATION/VETERANS  
AFFAIRS SUPPORTING VILLAGE OF MIDDLEVILLE'S REQUEST TO FEDERAL  
AND STATE OFFICIALS FOR FEMA AND SEMO RELIEF**

WHEREAS, on July 24, 2010, the Village of Middleville sustained substantial damage from flooding which caused serious harm to parking lots, homes and the Corey Memorial Municipal Hall; and

WHEREAS, on July 28, 2010, Mayor Elizabeth Schrader declared the Village of Middleville a "Disaster" to the State of New York, making the Village eligible for FEMA and SEMO funding; now, therefore, be it

RESOLVED, that the County of Herkimer supports the Village of Middleville in its request for FEMA and SEMO funding to help repair damage done to the Village; and, be it further

RESOLVED, that copies of this Resolution be forwarded to Senator Charles E. Schumer, Senator Kirsten Gillibrand, Governor David A. Paterson, Senator James L. Seward, Assemblyman Marc W. Butler and mayor Elizabeth Schrader.

Dated: August 11, 2010.

JEAN E. MANEEN  
FREDERICK J. SHAW  
BRUCE WEAKLEY  
PETER F. MANNO  
STEPHEN N. KEBLISH, JR.  
JOHN L. BREZINSKI  
Committee on Administration/  
Veterans' Affairs

Chairman Smith stated that pursuant to Rule 6(12) they would proceed with comments by legislators. The following legislators had further comments: Mr. Brezinski, Mr. Keblish, Mrs. Rose, Mr. Manno.

At 8:40 p.m., on motion of Mr. Manno, seconded by Mr. Stone, the Legislature adjourned to Wednesday, September 15, 2010 at 7:30 p.m.